

Article - Public Safety

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§12–806.

(a) Except as otherwise provided in this section, each elevator unit shall be inspected, tested, and maintained in a safe operating condition in accordance with:

- (1) the Safety Code; and
- (2) any other regulations adopted by the Commissioner.

(b) (1) (i) Subject to subparagraph (ii) of this paragraph, an elevator unit installed before July 1, 1955, may be used without being altered or rebuilt to comply with the requirements of the Safety Code.

(ii) Each elevator shall be equipped with standard hoistway entrance protection, and each passenger elevator of more than 100 feet per minute contract speed shall be provided with car doors or gates that meet the requirements of the Safety Code.

(2) Notwithstanding any other provision of this subsection, each elevator unit installed before July 1, 1955:

(i) shall be maintained in a safe operating condition so as not to create a substantial probability of serious physical harm or death; and

(ii) is subject to inspections and tests as required.

(c) (1) For purposes of this subsection, an alteration of an existing elevator unit is any change made to it other than the repair or replacement of damaged, worn, or broken parts necessary for normal operation.

(2) Each alteration or relocation of an elevator unit installed after January 1, 1975, shall meet the requirements of the Safety Code.

(d) (1) A test on an elevator unit performed in connection with an inspection required by this subtitle, the Safety Code, or a regulation adopted by the Commissioner shall be performed by a licensed elevator mechanic.

(2) A third-party qualified elevator inspector required to witness a test performed on an elevator unit in accordance with this subtitle, the Safety Code, or a regulation adopted by the Commissioner shall be physically present during the

entire test to witness that the test was performed correctly and to verify the proper recording of the test result.

(3) A State inspector shall oversee all third-party qualified elevator inspectors and retains authority over final acceptance of new construction, modernization, and service upgrade turnovers of elevators.

(4) Subject to subsection (g) of this section, a test requiring the presence of a third-party qualified elevator inspector shall be conducted in accordance with the following:

(i) beginning October 1, 2018, a 5-year test on an elevator of a privately owned building that requires an inspector to witness the test shall be performed by a licensed elevator mechanic in the physical presence of a third-party qualified elevator inspector;

(ii) beginning October 1, 2019, a test on an elevator of a publicly owned building that requires an inspector to witness the test shall be performed by a licensed elevator mechanic in the physical presence of a third-party qualified elevator inspector; and

(iii) beginning October 1, 2020, an annual test on an elevator of a privately owned building that requires an inspector to witness the test shall be performed by a licensed elevator mechanic in the physical presence of a third-party qualified elevator inspector.

(e) (1) A third-party qualified elevator inspector or the owner or agent of the owner of the elevator shall schedule a test in accordance with subsection (d) of this section.

(2) (i) The third-party qualified elevator inspector shall contact the elevator contracting company and the property owner not less than 60 days in advance to schedule the test for a date and time that is reasonably convenient for all parties involved.

(ii) The owner or agent of the owner shall contact the elevator contracting company not less than 60 days in advance to schedule the test for a date and time that is reasonably convenient for all parties involved.

(3) In the event of an unforeseen circumstance or undue hardship, any party involved in scheduling the test may reschedule the test.

(4) The third-party qualified elevator inspector shall notify the Commissioner of the time, date, and location of each test.

(f) On written request, the Commissioner may grant exceptions from the literal requirements or allow the use of devices or methods other than those specified under the Safety Code and other regulations adopted by the Commissioner if:

(1) it is evident that the exception is necessary to prevent undue hardship; or

(2) existing conditions prevent practical compliance and in the opinion of the Commissioner reasonable safety can be secured.

(g) (1) If the Commissioner determines that the number of third-party qualified elevator inspectors is insufficient to meet the requirements of subsection (d)(4)(ii) of this section, a licensed elevator mechanic may perform a test in the physical presence of an available third-party qualified elevator inspector, or a State inspector to make up for the deficient number of third-party qualified elevator inspectors.

(2) If the Commissioner subsequently determines that the number of third-party qualified elevator inspectors is sufficient to meet the requirements of subsection (d)(4)(ii) of this section, a licensed elevator mechanic shall perform a test in the physical presence of a third-party qualified elevator inspector.

(3) The Commissioner shall adopt regulations to implement this subsection.

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